

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

True the Vote, Jane Coln, Brandie Corroero, §
Chad Higdon, Jennifer Higdon, Gene §
Hopkins, Frederick Lee Jenkins, Mary §
Jenkins, Tavish Kelly, Donna Knezevich, §
Joseph Knezevich, Doris Lee, Lauren Lynch, §
Norma Mackey, Roy Nicholson, Mark §
Patrick, Julie Patrick, Paul Patrick, David §
Phillee, Grant Sowell, Sybil Tribble, Laura §
VanOvershelde, and Elaine Vechorik §

Plaintiffs, §

v. §

The Honorable Delbert Hosemann, in his §
official capacity as Secretary of State for the §
State of Mississippi, The Republican Party of §
Mississippi, Copiah County, Mississippi §
Election Commission, Hinds County, §
Mississippi Election Commission, Jefferson §
Davis County, Mississippi Election §
Commission, Lauderdale County, §
Mississippi Election Commission, Leake §
County, Mississippi Election Commission, §
Madison County, Mississippi Election §
Commission, Rankin County, Mississippi §
Election Commission, Simpson County, §
Mississippi Election Commission, and Yazoo §
County, Mississippi Election Commission §

Defendants. §

Cause No. 3:14-cv-00532-NFA

**PLAINTIFFS' TRUE THE VOTE, ET.AL.'S OPPOSED MOTION
TO STRIKE DEFENDANT'S MOTION TO DISMISS**

Plaintiffs True the Vote, et. al. file this Opposed Motion to Strike Defendant
Secretary of State's Motion to Dismiss as follows:

**I.
MOTION TO STRIKE**

On July 29, 2014, Defendant The Honorable Delbert Hosemann, in his official

capacity of Secretary of State (“Defendant”), filed his “Answer and Defenses to Plaintiffs’ Complaint.” *See* Doc. 52. Within this Answer, Defendant seeks relief from an urged motion to dismiss. Plaintiffs move to strike the motion to dismiss from the Answer, as it may not be recognized or considered by this Court pursuant to the Local Rules. *See* LCvR 7. Specifically, the Local Rules of the Southern District of Mississippi require that “any motion must be an item docketed separately,” and that “the court will not recognize a motion included within the body of the answer, but only those raised by a separate filing.” *See* LCvR 7(b)(3)(c); LCvR7(b)(2)(A). There has been no indication that the Court will consider the motion within Defendant’s Answer, but Plaintiffs must object to the burden of responding to the motion as pled to preserve the record. Thus, Plaintiffs move to strike the motion to dismiss from Defendant Secretary of State’s Answer. *See id.*

II. RELIEF REQUESTED

Plaintiffs request that this Court strike the motion to dismiss from Defendant’s “Answer and Defenses to Plaintiffs’ Complaint” [Doc. 52], and all further relief to which the Court deems them justly entitled.

Respectfully submitted,

/s/ L. Eades Hogue

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Counsel for Plaintiffs

CERTIFICATE OF CONFERENCE

On July 30, 2014 counsel for Plaintiffs conferred telephonically with counsel for Defendant Secretary of State. Plaintiffs discussed the content of this motion with Defendant, specifically that the motion to dismiss has been improperly pled under the local rules. Defendant indicated opposition. Thus, in order to preserve the objection to Defendant's motion, and the record (such that it does not appear that there is a motion pending to which no response was file), Plaintiffs are forced to file the instant motion to strike.

/s/ L. Eades Hogue

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2014 a copy of Plaintiffs' Certificate of Discovery was served on The Honorable Delbert Hosemann, The Republican Party of Mississippi; The Copiah County Mississippi Election Commission; the Hinds County, Mississippi Election Commission; the Jefferson Davis County, Mississippi Election Commission; the Lauderdale County, Mississippi Election Commission, the Leake County Mississippi Election Commission; the Madison County, Mississippi Election Commission and the Rankin County Mississippi Election Commission; via the Court's ECF e-file service. Plaintiffs have served the remaining Defendants, who have not yet registered to the Court's ECF system for this matter, via United States Postal Service, in accordance with Federal Rules of Civil Procedure.

/s/ L. Eades Hogue